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Federal Communications Commission  
Office of the Secretary

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
Request for a Rulemaking Setting ) RM - 7610 ✓  
Standards for Aviation Receivers )

To: The Commission

COMMENTS OF MSTV

The Association for Maximum Service Television, Inc. ("MSTV")<sup>1/</sup> submits these comments pursuant to 47 C.F.R. § 1.405 in support of the petition for rulemaking in the above-captioned matter filed by John Furr & Associates, Inc. on December 21, 1990 (the "Petition"). MSTV strongly supports the Petition's request that the Commission initiate a rulemaking to set standards for aviation receivers.

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<sup>1/</sup> MSTV is a trade association representing over 250 commercial and noncommercial broadcast television stations throughout the United States on issues relating to the technical quality of the broadcast signal.

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As the Commission well knows, the recent history of interaction among communications licensees and applicants, the Commission, and the Federal Aviation Administration ("FAA") has not been a productive one. While no one disputes the need to guard against interference to air navigational devices that would pose a threat to air safety, there has been disagreement over the best and most efficient way to achieve this goal. The Petition offers a practical and effective means of serving this goal without imposing unnecessary burdens on communications licensees and applicants.

As demonstrated in the Petition, the computer models used by the FAA to determine whether communications facilities would produce electromagnetic interference ("EMI") posing a hazard to air navigation posit an unreasonable "worst case" scenario with respect to avionics equipment selectivity. The FAA's use of these models has consequently resulted in the issuance of a number of "air hazard" determinations where such determinations are in fact wholly unjustified. The rulemaking requested by the Petition would establish selectivity and interference standards for avionics equipment which will clarify when real EMI hazards exist, and will help to minimize the number of unfounded "air hazard" determinations causing delays and significant costs for communications licensees and applicants.

The Commission is the expert agency charged by Congress with management of the electromagnetic spectrum, including the power to make "such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of the [Communications] Act . . . ." 47 U.S.C. § 303(f). See also 47 U.S.C. § 303(g) (The Commission has the power to "generally encourage the larger and more effective use of radio in the public interest."); 47 U.S.C. § 303(r) (empowering the Commission to adopt rules to carry out provisions of international treaties or conventions such as the International Civil Aviation Organization receiver standards made mandatory under the Chicago Convention, Annex 10). The regulation of radio frequency emission and reception devices, and the establishment of selectivity and interference standards for such devices, is an important part of that management task, and cannot be properly performed by any other agency without detracting from the Commission's ability properly to manage spectrum. MSTV strongly believes that if the Commission fulfills its role as spectrum manager and asserts its regulatory jurisdiction to set standards for avionics devices, the risks of EMI hazards to air navigation from communications operations will be minimized, comity between the Commission and the FAA will be improved, and a great deal of time, money, and effort now wasted by

communications licensees and applicants in responding to false  
"air hazard" determinations will be saved.

Respectfully submitted,

ASSOCIATION FOR MAXIMUM SERVICE  
TELEVISION, INC.

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March 11, 1991

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March 1991, a copy of the foregoing Comments of MSTV in RM 7610 were mailed by first-class mail, postage prepaid to:

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